

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

SARAH P. HIGGINS,

Plaintiff,

v.

**JO ANNE B. BARNHART,
Commissioner of Social Security,**

Defendant.

1:04CV00690

J-U-D-G-M-E-N-T

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on September 16, 2005, was served on the parties in this action. No objections were filed within the time limits prescribed by § 636.

The court hereby adopts the Magistrate Judge's Recommendation

IT IS THEREFORE ORDERED AND ADJUDGED that the Plaintiff's motion for summary judgment [Pleading No. 10] be **DENIED**, that the Commissioner's motion for judgment on the pleadings [Pleading No. 12] be **GRANTED**, that the Commissioner's decision is **AFFIRMED**, and that this action be dismissed with prejudice.

This the day of November 7, 2005

/s/ N. Carlton Tilley, Jr.
United States District Judge